THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10785 of 2007

Dated:06.07.2007

Between:

Ponaka Sreenivasa Reddy and another.

...PETITIONERS

and

The Mandal Revenue Officer, Muthukur Mandal, Nellore District, and another.

...RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10785 of 2007

ORDER:

The petitioners purchased land admeasuring Acs.10.00 in survey No.288 and 341 situated at Mamidipudi Village, Muthukur Mandal, Nellore District, from Neelapareddy Dasaratharami Reddy under two registered sale deeds dated 10.09.1984. They obtained pattadar passbooks in the name of their father Ponaka Venkata Seshi Reddy. They allege that on 19.05.2007 at 11.00 A.M. first respondent directed them not to enter into the land on the ground that the land in said survey numbers being ceiling surplus land under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (the Act, for brevity) belongs to the Government. They were also prevented to look after the fishponds which they dug. Therefore, they filed instant writ petition seeking appropriate declaration and direction.

At the stage of admission itself, a counter-affidavit is filed denying the writ petition averments. In paragraph 3 of the counter-affidavit, it is stated as under.

> It is respectfully submitted that the Tahsildar never visited the land in question and we never asked the petitioner not to enter into the land therefore I deny the said averments. It is further submitted that as per the entries in Revenue Records i.e., Land Reforms Case files the land which is now claimed by petitioner is a surplus land under Land Reforms Act and which land was taken possession by Government in

> the year 1976 and therefore it is a Government land. The Tahsildar has sought for clarification from Revenue Divisional Officer as to know, whether the Government has declared the said land as non-surplus land. The letter addressed by Tahsildar to Revenue Divisional Officer is no way related to petitioner alleged possession over the land. No further steps were initiated against the petitioner. The Writ Petitioner by making false averments and baseless allegations against the Revenue Authorities filed the Writ Petition. The averments are self serving. I submit that absolutely there are no merits in the Writ petition and no steps are taken to dispossess the petitioner from the land which is alleged to be in his possession.

After reading the above averments in the counter-affidavit, this Court is convinced that the writ petition is filed on mere apprehension. However, be it observed that even if the petitioners are allegedly in possession of the ceiling surplus land, which is vehemently denied by the learned counsel for the petitioners, the respondents have to take necessary action after giving notice to the petitioners and following due process of law. This is not denied or disputed by the learned Assistant Government Pleader for Revenue also.

The writ petition, with the above observations, is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

06th July, 2007
ghn